

5.0 OTHER REQUIRED CEQA SECTIONS

5.1 INTRODUCTION TO ADDITIONAL CEQA REQUIREMENTS DISCUSSED IN THIS SECTION

This section discusses broader questions posed by the CEQA. These include significant effects that cannot be mitigated to less than significant levels, irreversible/irretrievable commitment of resources, the balance between short- and long-term uses of the environment, growth-inducing impacts, and cumulative impacts.

5.2 SIGNIFICANT ENVIRONMENT EFFECTS OF PROPOSED PROJECT THAT CANNOT BE MITIGATED TO INSIGNIFICANCE

Effects on all environmental resources were evaluated to determine any impacts that would remain significant after mitigation. There are Class I impacts to hazards and biological resources. Even with the application of mitigation measure HAZ 1, the pipeline could rupture and cause injury and property damage. The blunt-nosed leopard lizard is a fully-protected California endangered species that could be injured or killed by Project activities, despite the application of mitigation measure BIO-4. These two Class I impacts in the CEQA analysis were determined based upon California laws, regulations, ordinances, or policies. Both of these impacts would be considered Class II by federal agencies. DOT regulations are considered to mitigate hazards and public safety issues to a less than significant level by federal agencies. The biological opinion issued by the USFWS adequately addresses potential impacts to biological resources to a less than significant level.

5.3 IRREVERSIBLE/IRRETRIEVABLE COMMITMENT OF RESOURCES; SHORT- AND LONG-TERM USES OF THE ENVIRONMENT

CEQA Guidelines (Section 15126.2(c)) require that an EIR identify significant irreversible environmental changes that would be caused by the proposed Project. Construction of the Project would require fossil fuels, a nonrenewable resource, to power construction vehicles. The operation phase of the Project would allow for the transport of additional non-renewable resources (natural gas), although the Project itself would not utilize significant amounts of non-renewable resources. While the Project would facilitate the delivery of non-renewable resources, these resources would be exploited and expended now and in the near future regardless of the proposed Project as the production of natural gas to supply this Project and its distribution have been

approved by permitting agencies. Therefore, the Project facilitates movement of natural gas to, and potentially from, California.

Additional resources that could be irretrievably lost could include soils (resulting from water and wind erosion in disturbed areas); water (used for dust control); land use (aboveground facilities already not existing would replace rangeland, residential, and agricultural land); wildlife habitat (potentially lost during construction); and vegetation communities (potentially lost during construction). Although unlikely, the potential also exists for accidental pipeline rupture to impact public health and safety. Although the risk cannot be completely eliminated, the proposed Project has been designed to meet or exceed all safety requirements.

The proposed Project could transport significant volumes of natural gas to customers in California, Texas, Arizona, New Mexico, Mexico, and Texas. The proposed Project could also transport natural gas from California to these destinations. Its operation would be consistent with Federal policies encouraging competitive natural gas transportation services. For these reasons, limited irreversible and irretrievable resource commitments are acceptable.

5.4 GROWTH-INDUCING IMPACTS OF THE PROPOSED PROJECT

The State CEQA Guidelines requires the consideration and discussion of growth-inducing impacts of a proposed project in an EIR. As specified in Sections 15126.2(d) of the CEQA Guidelines, an EIR would:

Discuss the ways in which the proposed Project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth (a major expansion if a waste water treatment plant might, for example, allow for more construction in service areas). Increases in the population may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. Also discuss the characteristics of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significant to the environment.

The following six criteria are used as a guide in evaluating the growth-inducing potential of the proposed Project:

1. Would the Project foster growth or remove obstacles to economic or population growth?

The Line 1903 Project does not include lateral lines to serve new areas; rather, it is connected to other pipeline systems and is intended to enhance the operational flexibility of the EPNG system. Section 1.1, Project Objectives, Purpose, and Need, and Figure 1.1-1 describe these connections in greater detail. The area served by the Line 1903 Project is already served by various fuel supplies, including natural gas. The demand for natural gas is a result of, not a precursor to, development in the region. Although the Project would increase the efficiency with which natural gas is made available, the Project objective is not to provide a new source of gas. The region is not dependent solely on this Project for delivery of various natural gas sources. The Project could increase economic or population growth if the amount of gas delivered exceeds existing uses or demand, but this outcome is not likely based on the Project objectives.

2. Would the Project provide new employment?

The Project would provide temporary employment for an average of 150 workers. Only a few permanent positions would result from operation of the Project.

3. Would the Project provide new access to undeveloped or under developed areas?

The Project does not involve the creation of any new permanent roads. The Project would use only existing access roads for construction and operation activities. Workers in the area would be trained prior to the start of the Project to ensure that they do not degrade environmental resources in the desert regions traversed by the pipeline.

4. Would the Project extend public services to a previously unserved area?

The Project would not extend public service to areas currently unserved by natural gas. The Project is reacting to existing customers, ultimately through existing distribution lines.

5. Would the Project tax existing community services?

The amount of temporary, non-local workers would be small compared to current populations in the Project area. Additionally, local communities have adequate infrastructure and services to meet the need of temporary workers associated with the Project.

6. Would the Project cause development elsewhere?

The regions potentially served by the Project are not solely dependent on the Project for access to natural gas. The Project could cause development if the amount of gas delivered exceeds existing uses or demand, but this outcome is not likely based on the Project objectives. Accordingly, the addition or absence of the gas supply from the Project would not likely affect development.

Summary

The Project could cause development, economic growth, or population growth if the amount of gas delivered exceeds existing uses or demand, but this outcome is not likely based on the Project objectives. Therefore, the Project would not cause any significant growth-inducing impacts either directly or indirectly in the surrounding environment.

5.5 SUMMARY OF CUMULATIVE IMPACTS

The NEPA and the CEQA require lead agencies to consider the cumulative impacts of proposals under their review. The NEPA considers cumulative impacts to be “impacts on the environment which result from incremental impacts of the action when added to other past present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions” (40 CFR 1508.7). Although individual impacts of various actions may be minor, taken together their effects could be significant.

Section 15355 of the State CEQA Guidelines defines cumulative impacts as “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.” A cumulative impact “consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts (Section 15130[a][1]). The

cumulative impacts analysis “would examine reasonable, feasible options for mitigating or avoiding the project’s contribution to any significant cumulative effects” (Section 15130[b] [(3)]).

Section 15130 (a)(3) also states that an EIR may determine that a project’s contribution to a significant cumulative impact would be rendered less than cumulatively considerable, and thus not significant, if a project is required to implement or fund its fair share of mitigation measure(s) designed to alleviate the cumulative impact. An EIR may determine that a project’s contribution to a significant cumulative impact is *de minimus*, and, thus, not significant. A *de minimus* contribution means that the environmental conditions would essentially be the same whether or not the proposed project is implemented (Section 15130[a] [4]).

5.5.1 Projects Analyzed for Cumulative Impacts

In conducting a cumulative impacts analysis, impacts are referenced to the temporal span and spatial areas in which the proposed Project would cause impacts. Additionally, a discussion of cumulative impacts must include either: (1) a list of past, present, and reasonably future projects—including, if necessary, those outside the lead agency’s control; or (2) a summary of projections contained in an adopted general plan or related planning document, or in a prior certified EIR, which described or evaluated regional or area-wide conditions contributing to the cumulative impact—provided that such documents are referenced and made available for public inspection at a specified location (Section 15130[b] [1]). “Probable future project” includes approved projects that have not yet been constructed; projects that are currently under construction; projects requiring an agency approval for an application that has been received at the time a Notice of Preparation is released; and projects that have been budgeted, planned, or included as a later phase of a previously approved project (Section 15130[b] [1] [B] [2]).

Table 5.5-1 presents the projects considered in this analysis to potentially contribute to cumulative impacts for the El Paso Line 1903 Conversion Project. This list includes all projects completed in the last 2 years or pending permits or approvals for construction from local, State, and Federal agencies. For the proposed Project, San Bernardino, Riverside, Kern, and La Paz Counties; the CSLC; and the BLM were contacted in December 2003 and January 2004 for a list of pending or approved projects in the vicinity of the Project. This list of projects was reduced to those in proximity to the

centerline of the Project. Projects beyond this perimeter that could potentially affect regional resources are also included in this table (Figure 5.5-1).

5.5.2 Summary of Cumulative Impacts

Cumulative environmental impacts associated with the proposed Project and those projects outlined in Table 5.5-1 are analyzed separately for each resource section in Section 4.0, Environmental Analysis. These sections consider operational and construction impacts associated with the proposed Project with respect to other planned or recently completed projects in the area, as well as existing conditions in the area. Existing conditions includes other natural gas pipelines and natural gas infrastructure in the region. As described in Section 4.0, Biological Resources and Hazards and Public Safety, there are cumulatively significant impacts to hazards and to the blunt-nosed leopard lizard associated with the proposed Project, but not the No Project, Ehrenberg to Daggett, and Ehrenberg to Cadiz alternatives.

5.5.3 References

Marti, Duane. Personal communication. Bureau of Land Management. January 2004.

Casdorph, Cheryl. Personal communication. Kern County. January and April 2004.

Anthony, Tracy. Personal communication. County of San Bernardino. January 2004.

Riverside County. Database of proposed and approved projects.
<http://www.tlma.co.riverside.ca.us/planning/public.html>. January 2004.

Table 5.5-1. Recently Constructed or Proposed Projects Potentially Cumulatively Affecting Resources of Concern for the El Paso Line 1903 Conversion Project

Location on Map (Figure 5.5-1)	Project	Description	Location	Data Source^{1, 2, 3}	Status/Schedule
1	Master Developer- Tejon Industrial Complex East Specific Plan.	Industrial development, as well as commercial-office and public facilities on 1,109 acre site.	East of Interstate 5 and 3 miles north of Tejon Pass. Kern County.	Kern County (Casdorph, pers. comm)	Draft EIR Nov. 2002. Decertified by court decision. Final decision pending.
2	Master Developer-Tehon Industrial Complex West Specific Plan	Development of industrial facilities, gas station, restaurants, motel, and mini mart.	Intersection of Wheeler and Laval Road. Kern County.	Kern County (Casdorph, pers. comm)	Approved 2000. Construction commenced. Five year build out.
3	Sports Management Group, Inc. - Woodward Sports Camp in Stallion Springs	Redevelopment of a day camp and private lodge into an action sports resort. Two sites 14.86 and 33.99 acres respectively.	28400 Stallion Springs Drive and 18100 Lucaya Way, Stallion Springs, CA. Kern County.	Kern County (Casdorph, pers. comm)	Approved 2002. Completed.
4	Mendiburu Springs Subdivision	Residential housing subdivision	At the intersection of Highland and Tehachai-Willow Springs Roads about a mile southeast of Tehachapi, CA	Kern County (Casdorph, pers. comm)	Residential housing subdivision approved as part of Mendiburu Springs Specific Plan.
5	Willow Springs Subdivisions	Residential housing subdivision	Southeast Kern County. From Avenue "A" to Dawn Road and 50 th Street West to 190 th Street West.	Kern County (Casdorph, pers. comm)	Residential housing subdivision approved as part of Willow Springs Specific Plan.
6	Mojave Specific Plan.	Planning document for 31,000 acre Mojave community development projects.	Town of Mojave in Antelope valley. Kern County.	Kern County (Casdorph, pers. comm)	Approved September 2003
7	Hyundai Corporation -	Limited development of 4526.5 acres for an	California City, CA. Kern County	Kern County (Casdorph, pers.	Approved January 2004.

	Hyundai Test Track Facility Habitat Conservation Plan	automotive test track facility. Conservation of 3386.5 acres of habitat.		comm)	
8	U.S. Borax - U.S. Borax Specific Plan.	Expansion of mining area and boric acid plant, including ponds and roads. Area of impact 11,580 acres.	Boron, California. Kern County	Kern County (Casdorff, pers. comm)	Approved January 2004
9	E.L. Yeager Construction - Wildwash Sand and Gravel Mine	Mining conditional use permit and reclamation plan to continue a sand and gravel mining operation on 37 acres for 20 years.	East side of I-15. One mile north of Wildwash Road. Barstow, CA. County of San Bernardino.	County of San Bernardino (Anthony, pers. comm.)	Pending approval.
10	Metropolitan Water District and Cadiz, Inc. - Cadiz Groundwater Storage and Dry-Year Supply Program	Construction and operation of an approximate 35-mile water pipeline, a pumping plant, 390 acres of spreading basins in the Cadiz/Fenner area, groundwater wellfield, and powerlines and poles.	Cadiz/Fenner area to Iron Mountain Powerplant on the Colorado Aqueduct. California.	BLM (Marti, pers. comm.)	Approved. Construction on hold indefinitely.

Notes:

¹CSLC contacted January 2004. No recently approved or pending projects in the vicinity of the proposed Project on CSLC lease areas (personal communication Jane Smith, CSLC, 2004).

²No Projects identified in Riverside County (Riverside County, 2004).

³No information was received from La Paz County.